

Item No. 12.a.iii**AGENDA ITEM MEMORADUM****Development Services**

Department

Linda Connors *le*Town Planner *BB*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 13, 2012	March 2 nd

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

☐ FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Proposed Amendments to Chapter 30 establishing attendance requirements for the Planning and Zoning Board and Board of Adjustment.

EXPLANATION: At the February 28, 2012 Commission meeting, the Commission appointed members to the Planning and Zoning Board and Board of Adjustment. At that time, the Commission asked staff to bring forward an amendment to the current code which would require a member to forfeit their position if three consecutive meetings were missed during a two-year term. Ordinance 2012-07 implements this request and is included as Exhibit 1 for your consideration.

RECOMMENDATION: We recommend approval of Ordinance 2012-07.

EXHIBIT 1: Ordinance 2012-07

Reviewed by Town Attorney

☒ Yes ☐ NoTown Manager Initials *CH*

ORDINANCE NO. 2012-07

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED
LAND DEVELOPMENT REGULATIONS OF THE CODE
OF ORDINANCES BY AMENDING THE PROVISIONS
APPLICABLE TO THE PLANNING AND ZONING BOARD
AND THE BOARD OF ADJUSTMENT; PROVIDING FOR
SEVERABILITY, CONFLICTS, CODIFICATION AND AN
EFFECTIVE DATE.**

WHEREAS, the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission wishes to establish an attendance standard for the Planning and Zoning Board and the Board of Adjustment; and

WHEREAS, the Town Commission has held a properly advertised public hearing pursuant to Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, finds that it is in the best interest of the Town's citizens and residents to approve the proposed amendments to the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and are made a specific part of this Ordinance.

Section 2. Amending Code Regarding Planning and Zoning Board. Chapter 30, entitled “Unified Land Development Regulations” of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-6, “Planning and Zoning Board” as follows:

Sec. 30-6. Planning and Zoning Board.

30
31 (a) *Generally.*
32

33 (1) *Established; composition, terms, qualifications of members; organizations;*
34 *noncompensatory service; meetings.* The Planning and Zoning Board, consisting of five
35 members and two alternates, is hereby created.
36

37 a. The Town Commission shall appoint five members and two alternates to the
38 Board who shall serve at the pleasure of the Town Commission and may be removed
39 by a majority vote of the Town Commission. The Town Commission shall also
40 designate the order of priority in which the alternates shall be called to serve upon the
41 absence of a regular member.
42

43 b. The Town Commission shall appoint members and alternates to the Planning and
44 Zoning Board in even numbered years to coincide with the election of the members of
45 the Town Commission. The members and alternates shall be appointed at the second
46 Town Commission meeting following each election. The term of office for all
47 members and alternates shall be two years from the date of appointment expiring on
48 the date of the election, in all even-numbered years.
49

50 c. No member or alternate of the Planning and Zoning Board shall be an elected
51 official or employee of the Town. Each member or alternate of the Board shall be a
52 resident and qualified voter of the Town.
53

54 d. The members or alternate of such Planning and Zoning Board shall serve without
55 compensation.
56

57 e. A quorum shall consist of three voting members. The affirmative vote of a
58 majority of the quorum present and voting shall be required to take any Board action.
59 Any Board member or alternate who fails to attend three (3) consecutive meetings
60 during a two-year term shall forfeit his or her position.
61

62 * * * * *

63
64 **Section 3. Amending Code Regarding Board of Adjustment.** Chapter 30, entitled

65 “Unified Land Development Regulations” of the Code of Ordinances of the Town of
66 Lauderdale-By-The-Sea, Florida, is hereby amended by amending Section 30-7, “Board of
67 Adjustment” as follows:

68 **Sec. 30-7. Board of Adjustment.**
69

70 (a) *Purpose.* It is the purpose of this section to provide procedures and guidelines for the
71 hearing of appeals from and rendering interpretative and advisory options to applicants and

the Town Commission concerning any decision of an administrative official relative to the enforcement of the requirements of the Town's zoning regulations and the authorization of variances from the requirements of the Town's zoning regulations.

(b) *Creation and composition; qualifications and organization.* The Board of Adjustment, consisting of five members and two alternates, is hereby created.

(1) The Town Commission shall appoint five members and two alternates to the Board, who shall serve at the pleasure of the Town Commission and may be removed by a majority vote of the Town Commission. The Town Commission shall also designate the order of priority in which the alternates shall be called to serve upon the absence of a regular member.

(2) The Town Commission shall appoint members and alternates to the Board of Adjustment in even-numbered years to coincide with the election of the members of the Town Commission. The members and alternates shall be appointed at the second Town Commission meeting following each election. The term of office for all members and alternates shall be two years from the date of appointment expiring on the date of the election, in all even-numbered years.

(3) No member or alternate of the Board of Adjustment shall be an elected official or employee of the Town. Each member or alternate of the Board of Adjustment shall be a resident and qualified elector voter of the Town.

(4) The members or alternates of such Board of Adjustment shall serve without compensation, but shall be paid for actual expenses incurred in performance of their duties as members or alternates of such Board as supported by invoices or vouchers, or such other evidence submitted in support of such expenses, to the extent permitted by law.

(5) A quorum shall consist of three voting members. The affirmative vote of a majority of the quorum present and voting shall be required to take any Board action. The Chairman, or Vice-Chairman in his or her absence, shall vote only in the event of a tie vote but shall be considered a voting member for the purpose of establishing a quorum. Any Board member or alternate who fails to attend three (3) consecutive meetings during a two-year term shall forfeit his or her position.

* * * * *

Section 4. Codification. This Ordinance shall be codified in accordance with the

foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be

115 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
116 intentions.

117 **Section 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held
118 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
119 way affect the validity of the remaining portions of this Ordinance.

120 **Section 6. Conflicts.** All prior ordinances or resolutions or parts thereof in conflict
121 herewith are hereby repealed to the extent of such conflict.

122 **Section 7. Effective Date.** This Ordinance shall become effective immediately upon
123 passage and adoption on second reading.

124 Passed on the first reading, this ____ day of _____, 2012.

125 Passed and adopted on the second reading, this ____ day of _____, 2012.

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Mayor Roseann Minnet

First Reading Second Reading

Mayor Minnet	_____	_____
Vice-Mayor Sasser	_____	_____
Commissioner Dodd	_____	_____
Commissioner Vincent	_____	_____
Commissioner Brown	_____	_____

139 Attest:

140
141 _____
142 Town Clerk June White, CMC

143
144 (Corporate Seal)

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146 Approved as to form:

147
148 _____
149 Susan L. Trevarthen, Town Attorney